

~~THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE STATE EMPLOYERS BOARD. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS.~~

2. REFERENCE

S.C. Code of Laws § 8-17-310

personnel are covered upon the completion of one academic year. If an employee does not receive an evaluation before the official review date, the employee must be considered to have performed in a satisfactory manner and be a covered employee. This definition does not include employees in positions such as temporary, temporary grant, or time-limited employees who do not have grievance rights.

D. Demotion: The assignment of an employee by the appointing authority from one established position to a different established position having a lower state salary range.

E. Full-Time Equivalent (FTE): A value expressing a percentage of time in hours and of funds related to a particular position authorized by appropriations acts enacted by the General Assembly.

F. Grievance: A complaint filed by a covered employee or the employee's representative regarding

- M. Reduction in force: A determination by the College to eliminate one or more filled positions in one or more organizational units within the College due to budgetary limitations, shortage of work, organizational changes, or outsourcing/privatization.
- N. Suspension: An enforced leave of absence without pay pending investigation of charges against an employee or for disciplinary purposes.
- O. Temporary employee: A full-time or part-time employee who does not occupy an FTE position, whose employment is not to exceed one year, and is not a covered employee.
- P. Termination: An action taken by the College against an employee to separate the employee involuntarily from employment.
- Q. Transfer: The movement to a different agency of an employee from one position to another position having the same state salary range, or the movement of a position from one agency to another agency, which does not require reclassification.

4. POLICY

- A. Throughout this grievance procedure the words "grievance" and "complaint" are used interchangeably and carry the same meaning. A covered employee may file a grievance or an appeal concerning only the following employment actions:
 - 1. Terminations;
 - 2. Suspensions;
 - 3. Involuntary Reassignments in excess of thirty (30) miles from the prior work station;
 - 4. Demotions;
 - 5. Punitive Reclassifications but only when the agency, in case of a grievance, or the State Human Resources Director, in the case of an appeal, determines that

8. Salary Decrease based on performance as the result of an Employee Performance Management System (EPMS) evaluation; and
9. Reduction in Force is considered as a grievance only if the agency, or as an appeal if the State Human Resources Director, determines that there is a material issue of fact that the agency inconsistently or improperly applied its reduction in force policy or plan.

B. The Following Actions Do Not Constitute a Basis for a Grievance or Appeal

1. A covered employee who voluntarily resigns or voluntarily accepts a demotion, reclassification, transfer, reassignment, or salary decrease shall waive any and all rights to file a grievance or an appeal concerning such actions and the covered employee can rescind such voluntary actions only if the agency head or the agency head's designee agrees;
2. A covered employee who is promoted, reclassified to a higher salary range, or

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C. Informal Complaints:

Prior to filing a formal grievance, the covered employee may first attempt to resolve the matter informally with his immediate supervisor. This matter may be presented verbally or in writing. However, this is merely an informal attempt to resolve the matter and cannot be substituted for the requirements of Step One in the following procedure.

D. Formal Complaints:

If the informal procedure does not produce a result satisfactory to the complainant, or if the complainant does not desire to follow the informal procedure, a grievance may be filed.

E. Time Limit to Initiate a Grievance:

The covered employee filing the grievance must comply with the time limits established in each step of the grievance procedure. Failure by the covered employee to comply with the internal time periods in the agency grievance procedure constitutes a failure to exhaust administrative remedies and waives the covered employee's right to further continue the grievance.

If the matter was not resolved informally with the covered employee's immediate supervisor, the covered employee must notify the agency's Human Resources Office in writing to initiate a formal grievance. The covered employee must initiate the grievance with the Citadel's Human Resources Office within fourteen (14) calendar days of the effective date of the grievable action or fourteen (14) calendar days from when the employee is notified of the action, whichever is later.

The internal time periods of the agency grievance procedure and the 45 calendar day period for action by the agency may not be waived except by mutual written agreement of both parties. Failure by the College to issue a final decision within this forty-five (45) calendar day period is considered an adverse decision. This failure to issue a final decision allows the covered employee to proceed with an appeal to the State Human Resources Director after 45 calendar days, but no later than fifty-five (55) calendar days from the initial date the grievance was filed with the agency. Failure by the covered employee to file an appeal within the time periods referenced in this paragraph shall constitute a waiver of the right to appeal.

F. Procedure

Step 1

1. A formal grievance must in writing and received (or if mailed, postmarked) by the agency's Chief Human Resources Officer using the Employee Grievance Procedure Form within fourteen (14) calendar days of the effective date of the grievable action, or fourteen (14) calendar days from when the employee is notified of the action, whichever is later.

assist in implementing the agreement.

If the matter is not settled within eight (8) calendar days of the initial mediation conference, the mediator will inform the agency's Chief Human Resources Officer or other designated official that settlement has not occurred. The Chief Human Resources Officer or other designated official will then schedule a conference to occur between the covered employee's next level supervisor and the covered employee within five (5) calendar days. At the conference with the covered employee's next level supervisor, the covered employee will have an opportunity to present his position regarding the grievance. The next level supervisor may conduct appropriate investigations and fact findings to determine whether to accept, reject, or modify the disciplinary action taken against the covered employee. The covered employee will be advised of his next level supervisor's decision in writing within five (5) calendar days of the conference.

B. Without Mediation

If the matter is grievable and the covered employee or the agency submits a written decision not to participate or fails to respond timely concerning voluntary mediation, the agency's

days from date the grievance is initially filed with the agency is considered an adverse decision.

G. Appeal to the State Human Resources Director

The Act also provides for an appeal of a grievance beyond the agency to the State Human Resources Director after all administrative remedies to secure relief within the agency have been exhausted. A covered employee has not exhausted administrative remedies to secure relief within the agency until the agency's internal grievance process is completed or the forty-five (45) calendar days provided for the agency to issue a decision has elapsed, whichever occurs sooner.

Any covered employee may appeal the decision of the college president or a designee. Such appeal must be in writing and submitted to the State Human Resources Director within ten (10) calendar days of receipt of the agency's final decision or forty-five (45) calendar days of receipt of the agency's final decision, whichever occurs sooner.

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7. RESCISSION

All previous versions of the “Grievance and Appeals” policies are rescinded.

8. REVIEW

Review this policy on a biennial basis.

FOR THE PRESIDENT:

OFFICIAL

PREETHI SAINT
Colonel, SCM
Chief Financial Officer & Vice President